

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

KEVIN AND JEANNIE SMITH,)
Plaintiffs,)
v.)
WILLIAMS MARK FRANKS,)
d/b/a FRANKS TRUCKING,)
Defendant.)

NO. 03-1255 T/An

FILED BY SD
05 AUG 16 PM 4:23
D.C.
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

KEVIN AND JEANNIE SMITH,)
Plaintiffs,)
v.)
HOME-MART, INC.,)
Defendant.)

NO. 03-1322 T/An

ORDER DENYING MOTION TO AMEND 16(b) SCHEDULING ORDER

Before the Court is Plaintiff's Motion to Amend Rule 16(b) Scheduling Order filed on July 25, 2005. For the reasons set forth below, the Motion is **DENIED**.

Rule 16(b) of the Federal Rules of Civil Procedure provides that “[a] schedule shall not be modified except upon a showing of good cause and by leave of the District Judge, or when authorized by Local Rule, by a Magistrate Judge.”¹ Fed. R. Civ. P. 16(b). “The primary measure

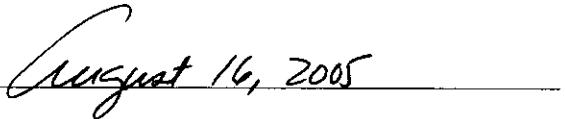
¹ Pursuant to Administrative Order No. 2003, Motions to Amend Scheduling Order are to be decided by the Magistrate Judge without a specific order of reference.

of Rule 16's 'good cause' standard is the moving party's diligence in attempting to meet the case management orders and requirements." *Latonia Inge v. Rock Financial Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (citing *Bradford v. Dana Corp.*, 249 F.3d 807, 809 (8th Cir. 2001)). After review, the Court does not conclude that Plaintiff has shown good cause. Plaintiff requests permission to amend the Rule 16(b) Scheduling Order because Plaintiff has also requested permission to amend its Complaints. However, the Court has already entered an Order denying the Motion to Amend Complaints; therefore, any extension of the pre-trial deadlines is not needed. For these reasons, the Motion to Amend Rule 16(b) Scheduling Order is **DENIED**.

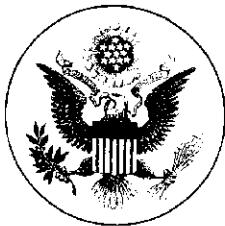
IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: 

August 16, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 63 in case 1:03-CV-01255 was distributed by fax, mail, or direct printing on August 17, 2005 to the parties listed.

M. Bradley Gilmore
PARKER LAWRENCE CANTRELL & DEAN
200 Fourth Avenue N.
5th Floor, Noel Place
Nashville, TN 37219

Gayden Drew
DREW & MARTINDALE, P.C.
174 W. University Pkwy
Jackson, TN 38305

R. Dale Thomas
RAINEY KIZER BUTLER REVIERE & BELL
105 S. Highland Avenue
Jackson, TN 38302--114

Steven W. Maroney
TEEL MCCORMACK & MARONEY
87 Murray Guard Dr.
Jackson, TN 38305

John S. Little
WALDROP & HALL
106 S. Liberty Street
Jackson, TN 38301--072

Honorable James Todd
US DISTRICT COURT